

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

MATTRESS SAFE, INC.,

Plaintiff,

v.

J. T. EATON & CO., INC.,

Defendant.

Civil Action File No.:

1:18-CV-02915-MHC

JURY TRIAL DEMANDED

ANSWER TO COUNTERCLAIMS

Plaintiff and Counter-Defendant Mattress Safe, Inc. (“Mattress Safe”) files its Answer and Affirmative Defenses to the J. T. Eaton & Co., Inc.’s (“Eaton”), Counterclaims, as follows:

1. Mattress Safe denies that Eaton has properly alleged any claim upon which relief can be granted.
2. Mattress Safe is without sufficient information to admit or deny the allegations in paragraph 2, and on that basis denies the same.
3. Mattress Safe admits the allegations in paragraph 3.
4. Mattress Safe denies that Eaton has stated a claim upon which relief can be granted. To the extent that Eaton has stated such a claim, Mattress Safe admits that this Court has jurisdiction over the action. Any allegation not expressly admitted is denied.

5. Mattress Safe admits that venue in this Court is proper.

6. Mattress Safe admits that it is the owner, by assignment, of all right, title, and interest in and to United States Patent No. 7,849,543 (“the ‘543 Patent”), including the right to bring suit for patent infringement.

7. Mattress Safe admits that on June 15, 2018, it filed a complaint for patent infringement and breach of contract in this Court. Mattress Safe admits that it alleged Eaton breached a Settlement Agreement between the parties and that Eaton infringed the ‘543 Patent. Any allegation not expressly admitted is denied.

8. Mattress Safe denies the allegations in paragraph 8.

COUNT I

9. Mattress Safe incorporates by reference its responses to the allegations in paragraphs 1 through 8, above.

10. Mattress Safe admits that it has asserted that Eaton infringes one or more claims of the ‘543 Patent and that Eaton denies such infringement. Any allegation not expressly admitted is denied.

11. Mattress Safe admits that there is a present and actual controversy between Mattress Safe and Eaton. Any allegation not expressly admitted is denied.

12. Mattress Safe denies the allegations in paragraph 12.

13. Paragraph 13 states a legal conclusion, rather than allegations that

require a response. To the extent that a response is required, Mattress Safe denies the allegations in paragraph 13.

COUNT II

14. Mattress Safe incorporates by reference its responses to the allegations in paragraphs 1 through 13, above.

15. Mattress Safe admits that it has asserted that Eaton infringes one or more claims of the '543 Patent and that Eaton denies such infringement. Any allegation not expressly admitted is denied.

16. Mattress Safe admits that there is a present and actual controversy between Mattress Safe and Eaton. Any allegation not expressly admitted is denied.

17. Mattress Safe denies the allegations in paragraph 17.

18. Mattress Safe denies the allegations in paragraph 18.

19. Paragraph 19 states a legal conclusion, rather than allegations that require a response. To the extent that a response is required, Mattress Safe denies the allegations in paragraph 19.

FIRST AFFIRMATIVE DEFENSE

Eaton fails to state a claim upon which relief can be granted.

SECOND AFFIRMATIVE DEFENSE

Eaton is contractually barred from challenging the validity of the '543 Patent.

THIRD AFFIRMATIVE DEFENSE

Eaton's claims are barred by the doctrine of laches.

FOURTH AFFIRMATIVE DEFENSE

Eaton's claims are barred by the doctrine of equitable estoppel.

FIFTH AFFIRMATIVE DEFENSE

Eaton's claims are barred by the doctrine of unclean hands.

PRAYER FOR RELIEF

WHEREFORE, Mattress Safe prays, in addition to the relief requested in its Complaint in this matter, that the Court enter judgment in its favor and against Eaton as follows:

- A. That the Court enter judgment that Eaton infringed and continues to infringe the '543 Patent;
- B. That the Court enter judgment that the '543 Patent is valid and enforceable;
- C. That Eaton be ordered to pay damages adequate to compensate Mattress Safe for its acts of infringement, pursuant to 35 U.S.C. § 284;
- D. That Eaton be ordered to pay Mattress Safe's attorneys' fees incurred in defending the validity of the '543 Patent as a result of Eaton's breach of the

Settlement Agreement;

E. That the Court find Eaton's infringement willful or in bad faith, and award Mattress Safe treble damages, pursuant to 35 U.S.C. § 284;

F. That the Court find that this case is exceptional and award Mattress Safe its reasonable attorneys' fees pursuant to 35 U.S.C. § 285 for Round I, Round II, and/or Round III, all of which were precipitated by Eaton's willful patent infringement;

G. That Eaton, its officers, agents, employees, and those acting in privity with them, be permanently enjoined from further infringement, contributory infringement, and/or inducing infringement of the '543 Patent, pursuant to 35 U.S.C. § 283;

H. That Eaton be ordered to pay prejudgment and post-judgment interest;

I. That Eaton be ordered to pay all costs associated with this action; and

J. That Mattress Safe be granted such other and additional relief as the Court deems just, equitable, and proper.

DEMAND FOR JURY TRIAL

Pursuant to Fed. R. Civ. P. 38(b), Mattress Safe Corporation demands a trial by jury of all issues triable of right by a jury.

This 12th day of October, 2018.

Respectfully submitted,

/s/ Cynthia J. Lee

Cynthia J. Lee
cynthia.lee@thomashorstemeyer.com
Georgia Bar No. 442999
Wesley A. Roberts
wesley.roberts@thomashorstemeyer.com
Georgia Bar No. 867277
THOMAS HORSTEMEYER L.L.P.
3200 Windy Hill Rd SE, Suite 1600E
Atlanta, Georgia 30339
Telephone: (770) 933-9500
Facsimile: (770) 951-0933

Attorneys for Mattress Safe Inc.

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CERTIFICATE OF SERVICE

I hereby certify that on October 12, 2018, I electronically filed the foregoing with the Clerk of the Court for the United States District Court for the Northern District of Georgia by using the CM/ECF system. I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

s/Wesley A. Roberts